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ALEXANDER L. STEVAS,
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80-1738

No._____

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1980

IN THE MATTER OF
THE APPLICATION OF LESLIE ANN CHEN,
Appellant

On Appeal from the Supreme Court of New Jersey

JURISDICTIONAL STATEMENT

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QUESTIONS PRESENTED BY THE APPEAL

I

Must not a Final Order of the Supreme Court of New Jersey denying Appellant's motion for a permanent certificate of plenary admission to its bar be reversed when the Appellant, a non-domiciliary of the state, has complied with every requirement imposed upon domiciliaries of the state for admission to the bar, including the establishment of a bona fide office in that state, and thus has been issued a temporary certificate which will automatically expire unless she establishes her *principal office* within the state, a requirement not exacted of domiciliaries?

II

Must not the rules of the Supreme Court of New Jersey upon which its denial of appellant's motion was based be declared unconstitutional because they violate the United States Constitution's Privileges and Immunities Clause (Article IV, Section 2, Clause 1; Amendment XIV, Section 1), the Equal Protection Clause and of the Fourteenth Amendment (Amendment XIV, Section 1) and the Commerce Clause (Article 1, Section 8, Clause 3)?

LIST OF ALL PARTIES TO THE PROCEEDING IN THE SUPREME COURT OF NEW JERSEY

This was an *ex parte* proceeding in the Supreme Court of New Jersey which promulgates the rules for admission to the Bar of the State, grants and denies such admission and enforces the rules which it promulgates. The only party to the proceeding therefore was the Appellant, Leslie Ann Chen.

Although there are no other parties to the proceeding in the Supreme Court of New Jersey since that Court is itself the rule maker and enforcer of the rules, the Appellant has served a copy of the Notice of Appeal and this jurisdictional statement on the Honorable Robert N. Wilentz, Chief Justice of the Supreme Court of New Jersey, all the Associate Justices of the Supreme Court of New Jersey, Stephen W. Townsend, Esquire, who is both Clerk of the Supreme Court of New Jersey and Secretary of the Board of Law Examiners, which is an arm of the said Court, and upon the Attorney General of the State of New Jersey since 28 U.S.C. §2403(b) may be applicable.

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October Term, 1980

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JURISDICTIONAL STATEMENT

REPORTS OF ANY OPINIONS ISSUED BELOW

This case has not been reported. The Supreme Court of New Jersey issued a Final Order denying appellant's motion for the issuance of a permanent plenary certificate to practice law without opinion. Under the New Jersey Rules applicable to a motion of this nature, there is no further remedy in the Courts of New Jersey, there being no right to rehearing or argument in a non-appellate, *ex parte* proceeding of this nature.

STATEMENT OF THE GROUNDS ON WHICH THE JURISDICTION OF THIS COURT IS INVOKED

Nature Of The Proceeding

This is an Appeal from a Final Order of the Supreme Court of New Jersey denying to the Appellant a permanent plenary license to practice law in the State of New Jersey. The Order appealed from dismissed the contentions contained in the Motion of the Appellant that the rules of the Supreme Court of New Jersey under which she was being denied such a permanent plenary license were unconstitutional under the following Sections of the United States Constitution:

a) The Privileges and Immunities Clause, Article IV, §2, Clause 1;

b) The Commerce Clause, Article I, §8, Clause 3; and

c) The Equal Protection Clause of the Fourteenth Amendment.

Dates Of Entry Of Final Order, Notice Of Appeal And The Court Where Filed

The Final Order of the Supreme Court of New Jersey denying the Motion of the Appellant for permanent plenary admission to the Bar and denying the claims of the Petitioner that her constitutional rights had been violated was entered on February 5, 1981.

The Notice of Appeal was mailed to the Supreme Court of New Jersey on April 6, 1981. Notice of Appeal was also mailed to the Chief Justice, all Associate Justices of the Supreme Court of New Jersey and also to the Attorney General of the Supreme Court of New Jersey on the same date (See Affidavit of Proof of Mailing at page A-5 of Appendix).

STATUTORY PROVISION WHICH CONFERS JURISDICTION

Jurisdiction is conferred upon the Supreme Court of the United States by virtue of 28 U.S.C. 1257(2) (as amended July 29, 1970, Pub. L.91-358, Title I, §172(a)(1), 84 Stat. 590), this being an Appeal from a Final Order of the Supreme Court of New Jersey upholding the validity of its rules for admission for permanent plenary admission to the Bar of the State of New Jersey, the validity of which had been challenged by the Appellant as being repugnant to the Constitution of the United States.

The doctrine that a rule of a State Court regulating admission to the Bar has the same status as a State statute for purposes of Appeal to this Court was established in *Lathrop v. Donahue*, 367 U.S. 820, 81 S.Ct. 1826, 6 L.Ed. 1191, (1961), c.f. *In re application of Griffiths*, 413 U.S. 717, 37 L.Ed. 2d 910, 93 S.Ct. 2851, (1973).

UNITED STATES CONSTITUTIONAL PROVISIONS AND NEW JERSEY RULES GOVERNING THE COURTS OF THAT STATE INVOLVED IN THIS APPEAL

The Privileges And Immunities Clause Article IV, §2, Clause 1

"The citizens of each state shall be entitled to all privileges and immunities of the citizens in the several states."

The Commerce Clause Article I, §8, Clause 3

Powers of Congress . . .

"The Congress shall have power:

". . . to regulate commerce with foreign nations, and among the several states and with the Indian Tribes."

The Fourteenth Amendment

"Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

NEW JERSEY RULES OF COURT

1:21-1. *Who May Practice; Appearance in Court*

(a) *"Qualifications.* No person shall practice law in this State unless he is an attorney, holding a plenary license to practice in this State, is in good standing, and is either domiciled and maintains a bona fide office for the practice of law in this State or, if not domiciled in this State, maintains in this State his principal office for the practice of law; . . ."

1:21-6. *Recordkeeping; Sharing of Fees; Examination of Records*

(a) *"Required Bank Accounts*

Every attorney who practices in this State shall maintain. . . .

(1) a trustee account or accounts, separate from his business and personal accounts and from any accounts which he may maintain as executor, guardian, trustee, or receiver, or in any other fiduciary capacity, into which trustee account or accounts all funds entrusted to his care shall be deposited; and

(2) a business account into which all funds received for professional services shall be deposited.

The names of institutions in which such accounts are maintained and identification numbers

of each account shall be recorded on the reporting form filed with the annual payment, pursuant to R. 1:28-2, to the Clients' Security Fund of the Bar of New Jersey. . . ."

1:24-1. *Bar Examinations*

(c) *"Examinations Administered in Other Jurisdictions.*

An applicant for admission to the bar of this State who has sat for the multistate bar examination in another jurisdiction and who has been admitted to the bar of that jurisdiction on the basis of the score earned on such examination may, subject to rules promulgated by the Board and approved by the Supreme Court pursuant to R. 1:23-2, petition the Court for admission on the basis of such examination without further examination in this State. Such petition must be filed within two years of the date of said examination. An applicant whose petition for admission on such basis is granted shall pay $100 to the secretary for the use of the State and shall meet all other requirements for admission to practice as set forth in these rules."

1:24-2. *Qualification for Admission to Examination*

"No person shall be admitted to the bar examination unless he first presents to the Board, in the manner prescribed by its rules: . . .

(d) Satisfactory evidence that he is domiciled in New Jersey or certification of his intention, if he passes the examination, to establish in this State either his domicile or his principal office for the practice of law as required by R. 1:21-1(a). Proof of compliance with the aforesaid intention shall be filed with the clerk of the Supreme Court no later than 30 days after administration of the attorney's oath. Failure to comply with this requirement shall cause a temporary license issued upon administration of the oath to expire without prejudice to a reapplication for admission to a subsequent bar examination."

1:25. *Committees on Character*

"The Supreme Court shall appoint one or more committees on character composed of such number of attorneys as it may determine. It shall be the duty of the committee or committees on character to determine the fitness to practice law of each candidate for admission to the bar of the State of New Jersey on the basis of and by reviewing the personal record and reputation of each candidate and, following such review, to certify as to such fitness to the Board of Bar Examiners or withhold such certification. . . ."

1:26. *Skills and Methods Course Plenary License*

(a) *"Skills and Methods Course.* An applicant for a certificate of plenary admission shall have successfully completed a skills and methods course approved by the Supreme Court. The director or other person in charge of an approved skills and methods course shall file with the secretary of the Board of Bar Examiners a certificate setting forth the name or the names of those applicants who have successfully completed such course."

1:27-1. *Certificates of Limited and Plenary Admission; Temporary Admission. . . .*

(b) *"Plenary and Limited Admissions.* An applicant who has successfully passed the bar examination and has successfully completed an approved skills and methods course shall be issued a certificate of plenary admission . . .

(d) *Temporary Admission.* An applicant who is otherwise qualified for admission but who was not domiciled in New Jersey at the time he filed an application for admission shall receive a temporary license valid only for the 30 day period prescribed by R. 1:24-2(d) during which he must comply with the requirements of R. 1:24-2(d). Upon the filing of timely proof of compliance with R. 1:24-2(d), the applicant shall be entitled to a certificate of . . . . plenary admission pursuant to paragraph (b) of this rule."

1:28-2. *Payment to the Fund; Enforcement*

"Except as hereinafter provided, each holder of a plenary license to practice law in the State of New Jersey shall pay annually to the treasurer of the Fund the sum of $25.00 for the 3rd and 4th calendar years of admission and $50.00 for the 5th through the 50th years. No holder of a plenary license shall be required to make payment in respect of any calendar year during which he will be (1) on full-time active duty with the armed forces, VISTA or Peace Corps and not engaging in any way in private practice; or, (2) retired completely from the practice of law; but he shall be considered in all respects an inactive New Jersey attorney. Newly admitted attorneys shall not be required to make such payments for the balance of the calendar year of their plenary admission and for the next succeeding calendar year, but they shall be considered in all respects active New Jersey attorneys. . . ."

STATEMENT OF THE CASE

The Appellant, Leslie Ann Chen, is at the present time and has been at all times relevant to this case a domiciliary of the Commonwealth of Pennsylvania. She resides in the City of Philadelphia, immediately across the Delaware River from the State of New Jersey. She is a member of the Bar of the Commonwealth of Pennsylvania to which she was admitted by the Supreme Court of Pennsylvania on December 10, 1979. This admission was on the basis of her being graduated from the Law School of Temple University in Philadelphia in 1979 and her passage of the Multi-state and Pennsylvania Bar Examinations.

Thereafter on the basis of her passing and of her satisfactory score on the Multi-state Bar Exam and her graduation from a Law School accredited by the American Bar Association, she applied to the New Jersey Su-

preme Court for admission to the Bar of that State. She complied with all of the requirements of that Court for admission to the Bar including the following: (All the citations below are to the 1981 Edition of the *Rules Governing The Courts Of The State Of New Jersey* as adopted by the Supreme Court of New Jersey published by West Publishing Co.)

(a) *§1:26(a)* Successfully completed the Skills and Methods Course required by the New Jersey Supreme Court. (See page 6 for a complete text of the Rule.)

(b) *§1:25* Was approved as a proper person to practice law after a rigorous character investigation as required by the New Jersey Supreme Court; (See page 6 for a complete text of the Rule.)

(c) *§1:21-6(a)(1)(2)* Opened a trustee account and business account in the Heritage Bank in the State of New Jersey; (See page 4.)

(d) *§1:21-1(a)* Established a bona fide office in the State of New Jersey; (See page 4.)

On December 18, 1980 the Supreme Court of New Jersey issued a temporary certificate of plenary admission to the Appellant. A true copy of this certificate appears on page A-2 of the Appendix. In that certificate the Court noted that the Appellant had been examined as provided by the rules of the Court and found qualified, and also that she was a citizen of good moral character. The certificate therefore authorized her to appear in all Courts of the State to practice as an attorney at law, but her admission so to do was limited to a period of thirty (30) days during which she was required to comply with the provisions of Rules 1:27-1(d) and 1:24-2 of the Supreme Court of New Jersey.

These Rules which are set forth on pages 5, 6 supra provide that the Appellant, since she is not and does not intend to be domiciled in New Jersey, is required to establish in New Jersey her *"principal office"* for the practice of law and file proof thereof with the Court. If she were a domiciliary of the State, she would have to have

only a *"bona fide"* office in the State for the practice of law which as indicated above she already has. If she were a domiciliary, she could have her principal office anywhere.

On January 16, 1981 the Appellant filed in the Supreme Court of New Jersey a Motion requesting the issuance of a permanent plenary license to practice law in the State. The Motion stated that the Appellant was not domiciled in the State nor did she intend to become domiciled. It further averred that she had a bona fide office in that State but did not have or intend to have her principal office in the State. (Paragraph 3-6 inclusive of the Motion filed on January 6, 1981, page A-8 of the Appendix.)

The said Motion also averred that the Appellant was a member of the Bar of the Commonwealth of Pennsylvania, that she was employed as an attorney on the staff of Sears, Roebuck and Co. and maintained her principal office at the Eastern Territorial Office of that Company at St. Davids, Pennsylvania, a suburb of the City of Philadelphia. (Paragraph 4 of Motion at page A-8 of the Appendix.)

Paragraph 5 of the Motion established that she had a bona fide office in a Sears facility in Moorestown, New Jersey and would use that office to practice law on behalf of her employer, Sears, Roebuck and Co., a corporation of the State of New York authorized to do business in both New Jersey and Pennsylvania. (Paragraph 5 of Motion, page A-8 of the Appendix.)

In Paragraph 7 she averred that the Rules of the Supreme Court of New Jersey requiring a non-domiciliary to have her principal office in the State in order to be issued a permanent plenary license were unconstitutional under the United States Constitution because they violated the Privileges and Immunities Clause, Article IV, §2, Clause 1; The Commerce Clause, Article I, §8, Clause 3 and the Equal Protection Clause of the Fourteenth Amendment, Amendment XIV, §1 (page A-9).

These Rules of the Court were deemed to be unconstitutional because they placed a heavier burden upon a non-domiciliary than a domiciliary in that a domiciliary had to establish only a *"bona fide"* office in the State and could have his or her *"principal office"* outside the State.

The Motion also asked that her temporary license be kept in effect during the pendency of the constitutional challenge so that the Appellant would not lose her right to practice law in the State of New Jersey. Under New Jersey Rule 1:24-2(d) her failure to comply with the requirement as to establishing a principal office would cause her temporary license to expire and she could not again obtain a further license to practice law without reapplying and taking another Bar examination.

On February 5, 1981 the Supreme Court of New Jersey denied the Appellant's Motion for a grant of a permanent plenary license to practice law and refused to grant any exception to the "principal office for non-domiciliaries" requirement. The Court also refused to extend the Appellant's temporary license until her constitutional challenge was finally determined by the highest Court having jurisdiction in the matter. The Court did grant an extension of Appellant's temporary plenary license to July 18, 1981.

The Appellant has appealed from this Final Order of the Supreme Court of New Jersey to this Court. The rules and procedures of the Supreme Court of New Jersey make no provision for reconsideration or argument after a Final Order is issued in an *ex parte* , non-appellate procedure such as this. Thus, the appellant has no further remedy in the courts of New Jersey.

THE FEDERAL QUESTIONS ARE SUBSTANTIAL AND REQUIRE IMMEDIATE DECISION

The denial to Appellant of her right to a permanent plenary license to practice law in the State of New Jersey after she has complied with all of the requirements of

the State entitling her to admission to the Bar, has actually been admitted to the Bar, has an office in the State and is practicing in the State is a clearly unconstitutional ruling. Further, the rules of the Supreme Court of New Jersey and its Final Order pursuant thereto have caused a serious deprivation of the Appellant's rights under the Privileges and Immunities Clause, the Commerce Clause and the Equal Protection Clause of the United States Constitution.

If the Appellant were a domiciliary of the State of New Jersey, the Supreme Court of New Jersey would grant her a permanent plenary license without question since she not only has fulfilled all of the qualifications required by that Court to practice law but also has established an office in that State. Since, however, she is a non-domicilary, the Court has imposed upon her a requirement in addition to those imposed upon domiciliaries. It is not sufficient that she have an office in that State and be subject to the jurisdiction of the Court, but, as a non-domiciliary, she must have a *"principal office in the State"*.

Since she has been admitted to the Bar of the State, has complied with all of the rules relating to a domiciliary, and is clearly subject to the jurisdiction of the Supreme Court of New Jersey by having an office in that State, the imposition of an additional requirement simply because she lives approximately three (3) city blocks from the State's border, the Delaware River, is unconstitutional and has no rational justification from the standpoint of the regulatory powers of the State of New Jersey and its Courts.

Because of recent attacks on the constitutional propriety of differentiating between domiciliaries and non-domiciliaries as to the practice of law and of other vocations and professions, the question here presented is of great significance to all of the States of the Union. The denial to non-domiciliaries of the right to practice their profession based on irrational pretexts not bearing a meaningful relationship to any particular evil which a

State may wish to correct poses an immediate and serious injury upon such non-domiciliaries. *Because of the prevalence of such State discriminatory practices and the irremediable effect upon large numbers of citizens of the highest integrity, ability and dedication, if prompt correction is not obtained, this Court should seize the opportunity to determine the question presented by this case quickly and finally by accepting the appeal from the Final Order of the Supreme Court of New Jersey and ordering full briefing and argument on the merits as soon as possible.*

It is called to the Court's attention that the Court of Appeals of the State of New York on November 13, 1979 declared the restriction of the practice of law to residents as imposed by that State unconstitutional under Article I, §8, Clause 3 (The Commerce Clause) and Article IV, §2, Clause 1 (The Privileges and Immunities Clause) of the United States Constitution. See *Gordon v. Committee on Character and Fitness*, 48 N.Y.2d 266, 397 N.E.2d 1309 (1979).

On November 13, 1980 the United States District Court for the District of Maryland ruled that a Maryland Court rule imposing more onerous rules upon non-domiciliaries than upon domiciliaries for admission to take the Bar exam was unconstitutional under the Privileges and Immunities Clause of Article IV. See *Jensen v. Murphy*, United States Law Week, 49 LW 2338 (11-25-80).

This case followed the principles articulated in *Baldwin v. Montana Fish and Game Commission*, 436 U.S. 371, 56 L.ed.2d 354, 98 S.Ct. 1852 (1978) and *Hicklin v. Orbeck*, 437 U.S. 518, 57 L.ed.2d 397, 98 S.Ct. 2482 (1978).

It would seem clear that the deprivation of the Appellant's rights to continue to practice law in New Jersey when she has been admitted to the Bar, has met every qualification to practice and has an office in that State comes clearly within the four requirements established

by these cases to declare State discrimination against non-domiciliaries unconstitutional:

> (1) The rules complained of clearly impose different requirements upon residents and non-residents;
>
> (2) The rules directly impact upon the interest of comity and federalism since the right to practice law and to earn one's livelihood are fundamental constitutional rights not only under the Privileges and Immunities Clause and the Equal Protection Clause of the Fourteenth Amendment, but also under the Commerce Clause. The applicability of the Commerce Clause to the practice of law has now been clearly established both explicitly and implicitly by cases such as *Bates v. State Bar of Arizona*, 433 U.S. 350, 53 L.ed.2d 810, 97 S.Ct. 2691 (1977) and *Goldfarb v. Virginia State Bar*, 421 U.S. 773, 44 L.ed. 2d 572, 95 S.Ct. 2004 (1975);
>
> (3) As established by the discussion above, there can be no question that fundamental rights of the Appellant are involved;
>
> (4) The discrimination does not bear substantial relationship to any particular evil at which the State exclusionary rule could be directed.

Certainly the Rules and the Order of the Supreme Court of New Jersey requiring a non-domiciliary to have a principal office in that State can have no relationship to that Court's power to exercise jurisdiction over a non-domiciliary whom it has already admitted to its Bar who has an office within the jurisdiction of that Court. Thus the case is closely analogous to *Underhill Associates, Inc. v. Coleman*, 504 Fed. Supp. 1147, U.S.D.C. (E.D.VA-1981), wherein the United States District Court for the District of Virginia, declared a statute of Virginia requiring out-of-state security brokers to have an office in that State unconstitutional, when such brokers were registered to do business in the State and

subject to the jurisdiction of the State Corporation Commission.

The practical reasons justifying the refusal to admit non-residents to the Bar of the Virgin Islands in the case of *Aronson v. Ambrose*, 479 Fed.2d 75 (C.A.3-1973) are likewise inapposite to the present case. The Appellant here has been admitted to the Bar of the State of New Jersey, has an office in that State and is practicing law in that State with the full assent of the Supreme Court of that State. Further, unlike the petitioners asking for admission to the Bar of the Virgin Islands who lived and wanted to continue to live in the State of Pennsylvania, the Appellant lives at most three (3) city blocks from the border of the State of New Jersey. Thus none of the difficulties as to exercising jurisdiction over her or having her appear promptly for Court proceedings exist. Furthermore, the Supreme Court of New Jersey by admitting her to practice and allowing her to practice has already admitted that no such problem exists.

The reasons given by the Supreme Court of Kansas for limiting the practice of non-resident attorneys in that State in the case *Martin v. Davis*, 187 Kan. 473, 357 Pac. 2d 782, 790-791 (1960), *Affirmed Per Curiam* with two justices dissenting at 368 U.S. 25, 7 L.ed. 2d. 5, 82 S.Ct. 1 (1961) are likewise inapplicable. The Appellant in the present case is fully knowledgeable of the peculiarities of New Jersey practice because the Supreme Court of New Jersey itself required her to complete satisfactorily a Skills and Methods Course in New Jersey practice in accordance with its own rules. Thus she can not be accused of being unfamiliar with New Jersey practice as were the attorneys whose practice was limited in the *Martin* case. The *Martin* case also limited practice to out-of-state attorneys on the grounds that they were not conveniently available to respond to scheduled Court appearance dates. This argument is inapplicable in the instant case as explained in the discussion regarding the *Aronson* case, supra.

Regarding any question as to the integrity and ethics of the Appellant, such question was clearly determined in her favor by the Supreme Court of New Jersey itself when it stated in its Order of December 18, 1980 admitting her temporarily to practice law in that State, that she had been found to be a "citizen of good moral character". Under these circumstances no objection can be made to her admission on the ground that the Court of New Jersey was unable to investigate properly the ethical integrity of an out-of-state Applicant, *Cf. Schware v. Bar Examiners of New Mexico,* 353 U.S. 232, 1 L.ed. 2d.796, 77 S.Ct. 752 (1957).

See also the case, of *Keenan v. Board of Law Examiners of North Carolina,* 317 Fed. Supp. 1350 (U.S.D.C. — E.D.NC, Raleigh Division — 1970) wherein the Court struck down a residency requirement of the State of North Carolina and stated at Page 1359:

> "In licensing attorneys there is but one constitutionally permissible state objective: the assurance that the applicant is capable and fit to practice law. 'While a State can require high standards of qualification, such as good moral character or proficiency in its law before it admits an applicant to the bar, *any qualification must have a rational connection with the applicant's fitness or capacity to practice law.*' " (Emphasis by the Court)

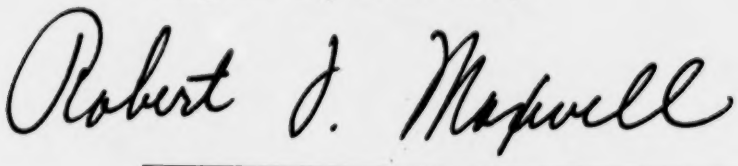
There can be no doubt that the Appellant in the instant case met every qualification having a rational connection with her fitness or capacity to practice law in New Jersey. This is the reason she was admitted to the Bar and is practicing in that State.

Whether or not she has a principal office in the State or merely an office has no relationship to her capability and fitness to practice law in the State, particularly when the Supreme Court of New Jersey has by its Order admitting her to practice decided that she has all the other capabilities set forth by the rules of the Court.

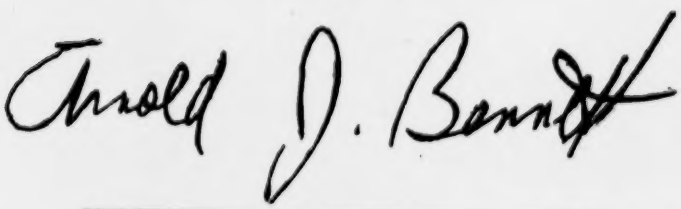
CONCLUSION

Under the circumstances the Appellant is entitled to immediate relief from the unconstitutional Order and the unconstitutional rules of the Supreme Court of New Jersey. Her constitutional rights should be vindicated forthwith by the Supreme Court of the United States reversing the Supreme Court of New Jersey and remanding this case to the Supreme Court of that State with directions to grant the Appellant a Permanent Certificate of Plenary Admission at once.

Respectively submitted,



ROBERT F. MAXWELL



ARNOLD J. BENNETT
Attorneys for Appellant

Appendix

SUPREME COURT OF NEW JERSEY
M-519 SEPTEMBER TERM 1980

IN THE MATTER OF
THE APPLICATION OF
LESLIE ANN CHEN

This matter having been duly presented to the Court, it is ORDERED that the motion of petitioner is denied except that an extension of petitioner's temporary limited license is granted; said license to expire on July 18, 1981.

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 5th day of February, 1981.

STEPHEN W. TOWNSEND
Clerk

A TRUE COPY

STEPHEN W. TOWNSEND
Clerk

Supreme Court of New Jersey

Temporary

Certificate of Plenary Admission

TO WHOM ALL THESE PRESENTS SHALL COME, GREETING:

Know ye, that LESLIE A. CHEN having applied to be admitted to practice as an Attorney-at-Law in the Courts of this State, and having been examined as provided by the Rules of this Court and found qualified, and being a citizen of good moral character, we do by these presents constitute and appoint *HER* an *ATTORNEY-AT-LAW*, and *SHE*, having taken the oaths prescribed by law, and having signed the Roll of this Court, is hereby authorized to appear in all the Courts of this State and there to practice as an Attorney-at-Law according to the laws and customs of this State for and during *HER* good behavior, and empowered to have and demand, take and receive, such fees as are or may be by law established in this State for any services which *SHE* shall or may do as an Attorney-at-Law in this State. And all Justices, Judges and others concerned are hereby required to admit *HER* accordingly, for a period of thirty (30) days to permit compliance with R. 1; 24-2 (d). This license expires on JANUARY 19, 1981.

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 18th day of DECEMBER, 1980.

STEPHEN W. TOWNSEND
Clerk of the Supreme Court

SUPREME COURT OF NEW JERSEY
M-1087 SEPTEMBER TERM 1979

IN THE MATTER OF :
THE APPLICATION OF :
LESLIE ANN CHEN :
:
:
:
:

This matter having been duly presented to the Court, it is ORDERED that petitioner is deemed to have satisfied the bar examination requirement in this state; and it is further

ORDERED that, upon the satisfaction of all other admission requirements, including certification by the Committee on Character, petitioner will be deemed eligible to appear and take the oath and sign the roll of attorneys at the next regular admission ceremony; and it is further

ORDERED that petitioner's right to be admitted under this application shall terminate if petitioner fails to take the oath and sign the roll of attorneys prior to August 1, 1981.

WITNESS, the Honorable Robert N. Wilentz, Chief Justice, at Trenton, this 9th day of July, 1980.

STEPHEN W. TOWNSEND
Clerk

A TRUE COPY

STEPHEN W. TOWNSEND
Clerk

IN THE SUPREME COURT
OF THE STATE OF NEW JERSEY

IN THE MATTER OF THE APPLICATION OF LESLIE ANN CHEN

NO. M-519
September Term, 1980

NOTICE OF APPEAL TO THE SUPREME COURT OF THE UNITED STATES

Notice is hereby given that Leslie Ann Chen, the appellant above named, hereby appeals to the Supreme Court of the United States from the Final Order of February 5, 1981 sustaining the constitutionality under the United States Constitution of Sections 1:21-1(a), 1:24-2(d) and 1:27-1(d) of the Rules Governing the Courts of the State of New Jersey and denying her relief in the form of an exception to these unconstitutional rules.

In accordance with Supreme Court Rule 26.4(c), 28 U.S.C. §2403 may be applicable.

This appeal is taken pursuant to 28 U.S.C. §1257(2).

Robert F. Maxwell, Esquire
Arnold J. Bennett, Esquire
555 E. Lancaster Avenue
St. Davids, PA 19087
(215) 293-2347

/s/
Robert F. Maxwell, Esquire

/s/
Arnold J. Bennett, Esquire

Attorneys for Appellant,
LESLIE ANN CHEN

IN THE SUPREME COURT OF
THE UNITED STATES

No. _____

October Term, 1980

IN THE MATTER OF THE
APPLICATION OF LESLIE ANN CHEN,
Appellant

PROOF OF MAILING — AFFIDAVIT

I, ARNOLD J. BENNETT, one of the attorneys for Leslie Ann Chen, Appellant, herein, and a member of the Bar of the Supreme Court of the United States, hereby certify, that on the 6th day of April, 1981, I deposited in a United States Post Office located at Wayne, Pennsylvania, with a first-class postage prepaid, and properly addressed to all the following, a copy of the "Notice of Appeal to the Supreme Court of the United States":

Chief Justice Robert N. Wilentz, State House Annex, Room 444, Trenton, NJ 08625,

Justice Stewart G. Pollock, Courthouse Annex, Moorestown, NJ 17960,

Justice Mark A. Sullivan, 601 Bangs Avenue, Asbury Park, NJ 07712,

Justice Morris Pashman, Courthouse, Hackensack, NJ 07601,

Justice Alan B. Handler, Capner Street, Flemington, NJ 08822,

Justice Robert L. Clifford, Courthouse, Moorestown, NJ 07960,

Justice Sidney Schreiber, 520 Broad Street, Newark, NJ 07102,

Clerk Stephen Townsend, State House Annex, Box 1480, Trenton, NJ 08625, and

Attorney General James R. Zazzali, State House Annex, Trenton, NJ 08625.

I certify that all parties required to be served have been served.

/s/
Arnold J. Bennett

Sworn to and subscribed
Before me this 6th day
Of April, 1981.

/s/ Linda Andrews
Notary Public

LESLIE ANN CHEN, ESQUIRE
Sears, Roebuck and Co.
Route 38 and Lenola Road
Moorestown, New Jersey 08057
609 778-0624

IN THE MATTER OF THE APPLICATION OF LESLIE ANN CHEN	: SUPREME COURT OF : NEW JERSEY : REQUEST FOR AN EXTENSION OF TIME SO AS TO COMPLY WITH R. 1:24-2(d); OR ALTERNATIVELY, A REQUEST FOR ISSUANCE OF A PLENARY LICENSE

PETITIONER, LESLIE ANN CHEN, residing at 509 Delancey Street, Philadelphia, Pennsylvania recites to and requests of the Supreme Court of New Jersey in its constitutional role under Article 6, §2, paragraph 3 as the governing administrative body over the practice of law within this State that:

1. On July 9, 1980, in IN THE MATTER OF THE APPLICATION OF LESLIE ANN CHEN, this Court ordered that among other things I had satisfied the examination requirements for admission to the Bar of New Jersey. (See attached copy of Order).

2. On December 18, 1980, after having successfully passed the Skills and Methods Course required under R. 1:26 of the Rules Governing the Courts of the State of New Jersey, (hereinafter called the Rules of Court), and having successfully undergone a rigorous character investigation, I took the Oath of Allegiance, signed the Attorney's roll and was granted a temporary license to practice law in the State of New Jersey. This license expires on

January 19, 1981. (A copy of the license and accompanying letter is attached hereto).

3. Rule 1:27-1(d) and 1:24-2(d) of the Rules of Court provide that as a non-domiciliary, I must establish a "principal" office within New Jersey so as to receive a Plenary License in accordance with R. 1:27-1(b).

4. Since December 10, 1979, I have been a member of the Bar of Pennsylvania and since February 1, 1980, I have been employed as an attorney for Sears, Roebuck and Co., a New York corporation authorized to do business in New Jersey and having 59 places of business within this State. Because my employer's Territorial Headquarters are located in Pennsylvania at 555 E. Lancaster Avenue, St. Davids, and the Territorial Law Department is within those Headquarters, my "principal" office is within Pennsylvania.

5. Since December 18, 1980, the date of this Court's issuance of my temporary license to practice under Rules of Court 1:27-1(d), I have maintained a "bona fide" office at the Moorestown, New Jersey address cited at the top of this petition, and, if the relief sought in this petition is granted, I would continue to maintain this office. In addition, in accordance with Rule 1:21-6(a) of the Rules of Court, I have opened and maintain a Trustee Account and a Business Account in the Heritage Bank, Cherry Hill, New Jersey and would continue to maintain these accounts if the relief sought in this petition is granted.

6. Because of the reasons recited in Paragraph 4, I am unable to establish a "principal" office within this State and I do not contemplate becoming a domiciliary of New Jersey within the 30 days of the issuance of my temporary license.

7. I believe that the application of the Rules of the Court 1:24-2(d) and 1:27-1(d) and (b) are unconstitutional because:

a. The Rules violate Article IV, Section 2, Clause 1 of the United States Constitution, that is the Privileges and Immunities Clause, because they mandate different treatment of domiciliaries and non-domiciliaries both of whom have satisfied all other requirements for admission to the Bar of this State; and

b. The Rules violate Article I, Section 8, Clause 3 of the United States Constitution, that is the Commerce Clause, because they create an unreasonable and arbitrary barrier to the practice of law within New Jersey based solely upon the physical nature and quality of an attorney's office within this State and because they place an unreasonable burden on interstate commerce; and

c. Since I have submitted myself to the jurisdiction of this Court by my temporary admission to practice law before it and I have met every requirement to practice within the State that a domiciliary would have to meet, I have been denied the Equal Protection of the laws under the Fourteenth Amendment of the Constitution of the United States.

WHEREFORE, I respectfully request the following be granted to me:

a. So as to prevent the expiration of my temporary license prior to the granting of my Plenary License, that my temporary license be extended until 30 days beyond the later of:

(1) my being granted or finally denied a Plenary License, or

(2) the period for any appeals in this matter has lapsed; or

(3) until the highest court which may at any time have jurisdiction of this matter or which may be requested by petition to take jurisdiction thereof has ruled finally on this matter or alternatively:

b. Because of all of the facts recited within this Petition, that I be granted an exception to the Rules of Court 1:24-2(d) and 1:27-1(d) and that within 15 days of an appropriate Order that I be granted a Plenary License to practice law so long as I meet all the requirements for the practice of law within this State except that of having a "principal" office within this State.

Respectfully Submitted,

/s/
Leslie Ann Chen, Esquire

Sworn to and Subscribed
before me this day
of , 1981.

/s/
Notary Public

PROPOSED ORDER ATTACHED TO MOTION

LESLIE ANN CHEN, ESQUIRE
Sears, Roebuck and Co.
Route 38 and Lenola Road
Moorestown, New Jersey 08057
609 778-0624

IN THE MATTER OF	: SUPREME COURT OF
THE APPLICATION OF	: NEW JERSEY
LESLIE ANN CHEN	: REQUEST FOR AN EXTENSION OF TIME SO AS TO COMPLY WITH R. 1:24-2(d); OR, ALTERNATIVELY, A REQUEST FOR ISSUANCE OF A PLENARY LICENSE

ORDER

On this day of , 1981, it is hereby ORDERED AND DECREED that Leslie Ann Chen shall be issued within 15 days a plenary license to practice law within this State upon compliance with all requirements except her establishment of a "principal" office within this State.

_____

J.

PROPOSED ORDER ATTACHED TO MOTION

LESLIE ANN CHEN, ESQUIRE
Sears, Roebuck and Co.
Route 38 and Lenola Road
Moorestown, New Jersey 08057
609 778-0624

IN THE MATTER OF	: SUPREME COURT OF
THE APPLICATION OF	: NEW JERSEY
LESLIE ANN CHEN	: REQUEST FOR AN EXTENSION OF TIME SO AS TO COMPLY WITH R. 1:24-2(d); OR ALTERNATIVELY, A REQUEST FOR ISSUANCE OF A PLENARY LICENSE

ORDER

On this day of , 1981, it is hereby ORDERED AND DECREED that Leslie A. Chen shall be issued a temporary license to practice law within this State for 30 days beyond the later of:

A. this Court's granting or final denial of the issuance of a plenary license to her; or

B. the appeal period for any appeal associated with this matter has lapsed; or

C. until the highest possible Court with jurisdiction over this matter has ruled finally in this matter.

_____

INSTITUTE FOR CONTINUING LEGAL EDUCATION

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NEWARK, NEW JERSEY 07102 • (201) 648-5571
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The Joint Venture of
The New Jersey Institute for Practicing Lawyers
The New Jersey State Bar Association
Rutgers University • The State University of New Jersey
Seton Hall University School of Law

December 2, 1980

TO: Leslie Ann Chen
FROM: Lawrence M. Maron, Director, Skills Training Course
RE: Certificate of Successful Completion of the Skills Training Course

Your certificate of successful completion of the Skills Training Course has been filed with Steven Townsend, Secretary of the Board of Bar Examiners. All questions concerning the bar examination and bar admission should be directed to his office, State House Annex, Trenton, New Jersey.

Good luck in all your endeavors.

LMM/am